

REMARKS

By the present amendment, Applicant has amended Claims 1, 3, 4 and 7. Claims 5, 6 and 10 have been cancelled, Claims 11 and 12 have been added. Claims 1-4, 7-9, 11 and 12 remain pending in the present application. Claims 1, 7, 11 and 12 are independent claims. A check in the amount of \$100.00 is submitted herewith to cover the excess independent claim.

Applicant appreciates the courtesies extended to Applicant's representative during the interview held July 25, 2005. The present response summarizes the agreement reached. Prior to the interview, a copy of proposed claims were forwarded to the Examiner by facsimile transmission for his review. Proposed independent Claims 1 and 7 were amended to set forth in further detail, and more clearly define, Applicant's bottle cap with cardboard liner and desiccant attached thereto. Proposed new independent Claims 11 and 12 were drawn to Applicant's cardboard cap liner and desiccant included as part of the cap liner. During the interview of July 25, 2005, the Examiner indicated that after having reviewed the claims submitted in the proposed amendment, he was of the opinion that the prior art does not teach or suggest Applicant's invention as recited in the proposed amended claims. The Examiner indicated that the proposed amended claims would be allowable if presented in a formal amendment. The Examiner is further thanked for pointing out a misspelling in the proposed amendment, which has been corrected in the present formal amendment.

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

In the recent Office Action the Examiner rejected Claim 1 under 35 U.S.C. § 102(b) as being anticipated by Taylor (US 1,050,706). Claims 2-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor (US 1,050,706) in view of Moriya (US 4,287,995).

The patent to Taylor (US 1,050,706) shows a storage container for holding tennis balls. The storage container has a top 7 with a small container 8 attached thereto, small container 8 holding a desiccant material. The small container 8 has a metal cap 9 that is attached to the storage container top 7 by small cords 10. Taylor does not show, at least, a desiccant cap insert comprising a flat cardboard cap liner having a first surface and a second surface, and a desiccant packet having a first side and a second side and an interior volume containing a desiccant material, with the desiccant packet first side adhered to the cap liner second surface. These limitations are now recited in Applicant's amended independent Claim 1, and new independent Claim 11. Since each and every element of Applicant's amended Claim 1 is not shown, either explicitly or inherently in Taylor, the rejection of Claim 1 under 35 U.S.C. § 102(b) based on Taylor should be withdrawn. Similarly, new independent Claim 11 contains the above-noted limitations, and it is urged that Claim 11 should be allowable over the patent to Taylor for the same reasons.

Claims 7-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sharp (US 1,655,248). Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharp (US 1,655,248) in view of Gary et al. (US 2,548,780).

The patent to Sharp discloses a moisture regulating device M for use with receptacles. Sharp's device is designed to be attached to the inner wall of a receptacle cap or cover 11. Rather than discuss in detail what Sharp shows, it is more important to point out the features not shown in Sharp that are recited in Applicant's amended independent Claim 7, and new Claim 12. In particular, Sharp does not show a flat, cardboard cap liner having a first surface and a second surface, a porous, paper material attached to the cap liner second surface, and a desiccant material sandwiched between the cap liner second surface and the porous, paper material. Since each and every element of Applicant's amended Claim 7 is not shown, either explicitly or inherently in Sharp, the rejection of Claim 7 under 35 U.S.C. § 102(b) based on Sharp should be withdrawn. Similarly, new independent Claim 12 contains the above-noted limitations, and it is urged that Claim 12 should be allowable over the patent to Sharp for the same reasons.

Applicant has also reviewed the reference to Moriya additionally applied in the 35 U.S.C. § 103(a) rejection of dependent Claims 2-6, the Gary et al. reference applied in the 35 U.S.C. § 103(a) rejection of dependent Claim 10, and the references made of record but not applied in any rejection of the claims. However, Applicant can find nothing therein which makes up for the deficiencies of either Taylor or Sharp discussed above regarding independent Claims 1, 7, 11 and 12.

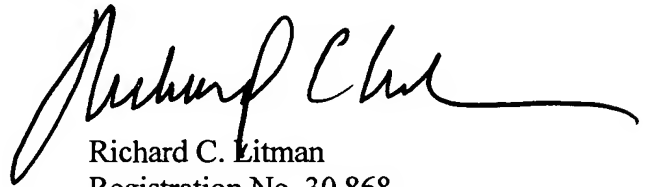
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The claims in this application have been revised to more particularly define Applicant's unique construction in view of the prior art of record. Reconsideration of the claims in light of the amendments and for the above-noted reasons is respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard C. Litman", with a long horizontal flourish extending to the right.

Richard C. Litman
Registration No. 30,868
(703) 486-1000

RCL:rwg
Attachment (Check for \$100.00)